

Affidavit of Publication

State of New Mexico
County of Rio Arriba

I, Robert Trapp, being first duly sworn, declare and say I am the Publisher of the **Rio Grande SUN**, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was published in said paper once each week for 4 consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any supplement. The first publication being on the

Publisher's Bill

80 lines one time at _____

_____ lines _____ times at _____

Affidavit 5.00

Subtotal 1,325.00

Tax 104.34

Total 1,429.34

Payment received at **Rio Grande SUN**

Date May 28, 2010

By Donna [Signature]

3 day of June 2010

and the last publication on the 24th day of

June 2010. Payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

Robert Trapp Publisher

Subscribed and sworn to before me this 24th
day of JUNE A.D. 2010

Maria V Lopez Garcia
Maria V. Lopez Garcia /Notary Public
My commission expires 13 July 2013

PUBLIC NOTICE

Public Notices in Newspapers
Your Right to Know, Delivered Right to Your Door.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, ex rel.
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, et al.,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE
THE SURFACE OR UNDERGROUND WATERS OF THE RIO NUTRIAS SUBSECTION OF
SECTION 3 OF THE RIO CHAMA STREAM SYSTEM

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE
WATER FOR IRRIGATION PURPOSES IN THE RIO NUTRIAS SUBSECTION OF SECTION 3
OF THE RIO CHAMA STREAM SYSTEM AND WHOSE NAMES APPEAR BELOW:

DEFENDANT	ACEQUIA OR DITCH	PRIORITY
Antonio Esquibel	La Acequia Del Terrero	1888
Juan R. Montano	La Acequia Del Terrero	1888
Antonio Esquibel	La Acequia Del Gilberto	1888
Anthony G. Tafoya	Tafoya/Esquibel	1885
Anthony G. Tafoya II	Tafoya/Esquibel	1885
Chris E. Tafoya	Tafoya/Esquibel	1885
Louis R. Tafoya	Tafoya/Esquibel	1885
Lucia A. Montoya	Tafoya/Esquibel	1885
Robert J. Montoya	Tafoya/Esquibel	1885
Joe B. Valdez	Esquibel/Valdez	1890
Domitilia L. Ulibarri	Vega	1878
Feliberto Ulibarri	Vega	1878
Joann Valdez	Vega	1878
Joe B. Valdez	Vega	1878
Juan R. Montano	Vega	1878
Lucia A. Montoya	Vega	1878
Robert J. Montoya	Vega	1878
Joann Valdez	Ben Valdez	1878
Joe B. Valdez	Ben Valdez	1878
Justiano Valdez	Ben Valdez	1878
Margie Atencio	Ben Valdez	1878
Silviano Atencio	Ben Valdez	1878
Abel Valdez	Joe B. Valdez	1895
Joe B. Valdez	Joe B. Valdez	1895
Estanislao Roybal	Espiriano Velasquez	1899
Lucia Roybal	Espiriano Velasquez	1899
Margie Atencio	Espiriano Velasquez	1899
Silviano Atencio	Espiriano Velasquez	1899
Antonio Esquibel	Acequia Perfecto Esquibel	1875
Juan R. Montano	Acequia Perfecto Esquibel	1875
Lucia A. Montoya	Acequia Perfecto Esquibel	1875
Robert J. Montoya	Acequia Perfecto Esquibel	1875
Arturo Esquibel	Acequia Pedro Esquibel	1893
Lucia A. Montoya	Acequia Pedro Esquibel	1893
Robert J. Montoya	Acequia Pedro Esquibel	1893
Anthony G. Tafoya	Esquibel	1885

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Notices

Anthony G. Tafoya II	Esquibel	1885
Arturo Esquibel	Esquibel	1885
Juan R. Montano	Esquibel	1885
Juan R. Montano Rev. Trust	Esquibel	1885
Louis R. Tafoya	Esquibel	1885
Lucia A. Montoya	Esquibel	1885
Robert J. Montoya	Esquibel	1885
Anthony G. Tafoya II	Unnamed Ditch No. 2	1885
Juan R. Montano Rev. Trust	Unnamed Ditch No. 2	1885
Anthony G. Tafoya II	Unnamed Ditch No. 3	1885
Jose D. Eturniaga	Abeyta	1877
Jose M. Abeyta	Abeyta	1877
Jose D. Eturniaga	Epifanio Ulibarri	1878
Estate of Elsie Chang	Maes/Sanchez	1882
Jose D. Eturniaga	Maes/Sanchez	1882
Orlando Ulibarri	Maes/Sanchez	1882
Phil Sanchez	Maes/Sanchez	1882
Robert J. Ulibarri	Maes/Sanchez	1882
Estate of Elsie Chang	Luis Sanchez	1882
Leroy Martinez	Luis Sanchez	1882
Orlando Ulibarri	Luis Sanchez	1882
Phil Sanchez	Luis Sanchez	1882
Harold Ulibarri	Martinez/Ulibarri	1882
Leroy Martinez	Martinez/Ulibarri	1882
Robert J. Ulibarri	Martinez/Ulibarri	1882
Harold Ulibarri	Solomon Ulibarri	1882
Napoleon L. Ulibarri	Solomon Ulibarri	1882
Napoleon L. Ulibarri	Juan Ulibarri	1882
Jose D. Eturniaga	Emilio Samora	1868
Jose D. Eturniaga	Juan Pablo Samora	1904

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System ("Nutrias Subsection") as described above.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.13 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.83 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.71 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Requirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Nutrias Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Nutrias Subsection. Subsequent inter se proceedings in the Nutrias Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates
(Published June 3, 10, 17 & 24, 2010)